

REMARKS

I. Introduction

In response to the Office Action dated November 1, 2005, Applicants have amended claims 1 and 8 to more particularly point out and distinctly claim the subject matter of the invention. No new matter has been added.

Applicants note with appreciation the indication that claims 3 – 6 and 10 – 13 would be allowable if rewritten in independent form including all of the limitations of the based claim and any intervening claims. In view of the foregoing amendments and the following remarks, Applicants respectfully submit that all pending claims are in condition for allowance.

It is noted that an Information Disclosure Statement (IDS) was filed on January 16, 2002. It is respectfully requested that the reference cited in this IDS be considered during the pendency of this application, and that the PTO-1449 form submitted concurrently with the IDS be initialed and returned to the Applicants so as to provide confirmation that the reference has been considered.

II. Claim Objections

Claim 1 has been objected to because the Examiner asserts that the phrase “receiving/outputting” is unclear. Applicants have amended claim 1 to recite “receiving and outputting”. Accordingly, withdrawal of this rejection is respectfully requested.

III. Claim Rejections Under 35 U.S.C. § 112

Claims 1 and 8 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner considers the recitation “whereby

MPEG packet data that is a collection of 8-bit byte data including a sync byte is output from the parity check block” to be confusing. Applicants have amended claims 1 and 8 to remove this recitation. Accordingly, withdrawal of this rejection is respectfully requested.

IV. Claim Rejections Under 35 U.S.C. § 103

Claims 1, 2, and 7 - 9 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2002/0004925 to Kodama in view of U.S. Patent Publication No. 2003/0014763 to Chappell. Applicants traverse these rejections for at least the following reasons.

Claim 1 recites, among other things, a data rearrangement block for receiving 7-bit byte data and converting the 7-bit byte data to 8-bit byte data, and a parity check block for receiving the 8-bit byte data that has been converted by the data rearrangement block. At least these features are not taught or suggested by the cited references, alone or in combination with each other.

The Examiner correctly acknowledges that Kodama fails to disclose a data rearrangement block for receiving 7-bit byte data and converting the 7-bit byte data to 8-bit byte data, and relies on Chappell to overcome this deficiency. Chappell appears to disclose a synchronization method wherein a MPEG framer converts 7-bit FEC symbols to 8-bit MPEG bytes. However, in the data rearrangement step disclosed by Chappell, RS parity symbol filtering is accomplished by suppressing the 7-bit to 8-bit conversion. That is, the 7-bit to 8-bit conversion is restarted on completion of the RS parity symbol filtering. Accordingly, the RS parity symbol filtering is performed in the step before the 7-bit to 8-bit conversion.

In contrast, as recited in claim 1, the present invention realizes a sequence of first converting 7-bit byte data to 8-bit byte data in a byte-to-byte conversion, and then performing a

parity check operation and a sync detection operation by 8-bit bytes. As each and every limitation must be disclosed or suggested by the cited prior art references in order to establish a *prima facie* case of obviousness under 35 U.S.C. § 103 (see, M.P.E.P. § 2143.03), and neither Kodama nor Chappell, alone or in combination with each other teach or suggest a data rearrangement block for receiving 7-bit byte data and converting the 7-bit byte data to 8-bit byte data, and a parity check block for receiving the 8-bit byte data that has been converted by the data rearrangement block, it is respectfully submitted that claim 1 is patentable over these references.

Independent claim 8 recites features similar to those described above in relation to claim 1. Accordingly, claim 8 is patentable over the cited references for at least the same reasons recited in reference to claim 1.

Claims 2, 7, and 9 depend from one of claims 1 and 8. Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claims 1 and 8 are patentable for the reasons set forth above, it is respectfully submitted that all dependent claims are also in condition for allowance.

V. Conclusion

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

Application No.: 10/046,263

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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